



IALANA Deutschland e.V. - Vereinigung für Friedensrecht
Deutsche Sektion der International Association Of Lawyers Against Nuclear Arms

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Statement by IALANA Germany:

Nuclear weapons for the European Union - a violation of applicable law

In the run-up to the European Parliament elections, some politicians and experts have initiated a discussion about "nuclear weapons for the EU". Whatever the background to this may be, IALANA emphasises that such plans are not only morally questionable, but also contravene applicable law.

Nuclear weapons are - as emphasised many times in resolutions of the United Nations General Assembly - a threat to the whole of humanity and the peaceful coexistence of states. Their use is associated with immeasurable suffering, is contrary to the UN Charter and constitutes a crime against humanity. In its 1996 judgement, the International Court of Justice ruled that the threat and use of nuclear weapons generally violates international humanitarian law. Even in extreme circumstances of self-defence, states may only defend themselves with weapons that fulfil the conditions of international humanitarian law, according to the ICJ Advisory Opinion. Nuclear weapons do not fulfil them. In its General Comment No. 36, the International Human Rights Committee emphasises the prohibition of nuclear weapons, which also results from the right to life.

An additional prohibition of the acquisition and possession of nuclear weapons under international law results from the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), to which all EU member states are party. The NPT also prohibits France, a nuclear weapons state, from directly or indirectly transferring nuclear weapons or control over such weapons to any recipient whatsoever. It also obliges the state parties to pursue negotiations in good faith on complete nuclear disarmament.

In 2003, the EU as a confederation of states also fully committed itself to the non-proliferation regime enshrined in the NPT as part of its Common Foreign and Security Policy (CFSP) (Common Position 2003/805/CFSP of the Council of the European Union). This policy of non-proliferation of weapons of mass destruction corresponds to the peace imperative contained in the EU Treaty and the UN Charter. For Germany, the Peace Imperative is also enshrined in the Basic Law, and against this backdrop Germany has reaffirmed its renunciation of the "production and possession of, and control over, nuclear, biological and chemical weapons" in the Treaty on the Final Settlement with Respect to Germany (Two Plus Four Treaty).

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Two other EU member states - Austria and Ireland - have gone one step further and ratified the Treaty on the Prohibition of Nuclear Weapons (TPNW).

We appeal to all candidates and parties in this European Parliament election to distance themselves from the idea of the EU having its own nuclear weapons and instead to campaign for an end to the nuclear sharing practised by Germany, Belgium and the Netherlands, for all EU Member States to join the TPNW and for a world free of nuclear weapons. Only through the joint efforts of the international community can we achieve a future without the constant threat of nuclear weapons.